

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TIM MCCUBBIN,

No. 3:18-cv-01833-HZ

Plaintiff,

ORDER

v.

COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION,

Defendant.

HERNÁNDEZ, District Judge:

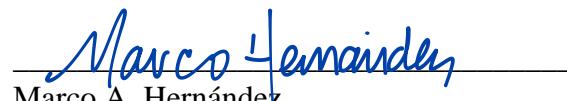
Plaintiff Tim McCubbin brought this action seeking review of the Commissioner's final decision to deny Supplemental Security Income and Disability Insurance Benefits. On August 27, 2019, pursuant to the parties' stipulated motion, the Court reversed the Commissioner's decision and ordered that the case be remanded for additional proceedings. Order, ECF 13. Judgment was also entered on that date. J., ECF 14. On January 31, 2021, Plaintiff's counsel received notice of Plaintiff's award for benefits. Pl. Mot. Att. 2, ECF 18-2.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Pl. Mot., ECF 18. Defendant has no objection to the request. *Id.* The Court has reviewed the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds the requested fees reasonable.

The Court GRANTS the motion [18] and awards Plaintiff's counsel \$14,603.50 in attorney's fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff attorney's fees in the amount of \$6,348.73 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. Upon payment of the § 406(b) fees, Plaintiff's counsel will refund any EAJA fees received by counsel to Plaintiff. Any amount withheld after all administrative and court attorney's fees are paid should be released to the claimant.

IT IS SO ORDERED.

Dated: April 25, 2021.


Marco A. Hernández
United States District Judge